

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
UNITED STATES OF AMERICA :
:
: -against- : 21-CR-754-2 (VEC)
:
JOSE LUIS DAVILA SANTACRUZ, :
:
: Defendant. :
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VALERIE CAPRONI, United States District Judge:

WHEREAS on May 23, 2023, Jose Luis Davila Santacruz ("Defendant") was sentenced principally to a term of imprisonment of thirty months following his plea of guilty to charges relating to conspiracy to structure cash deposits, in violation of 18 U.S.C. §§ 371 and 5324;

WHEREAS effective November 1, 2023, in its Amendment 821, the United States Sentencing Commission amended the United States Sentencing Guidelines;

WHEREAS Defendants whose requests for a reduction in sentence pursuant to this Amendment are granted can be released from prison no earlier than February 1, 2024, *see* United States Sentencing Guidelines § 1B1.10(e)(2);

WHEREAS on December 13, 2023, the Probation Department proactively identified Defendant as possibly eligible for a reduction pursuant to Amendment 821;

WHEREAS on January 8, 2024, Defendant filed a *pro se* motion for reduction of his sentence pursuant to Amendment 821 and a motion for compassionate release pursuant to 18 U.S.C. § 3582(c)(1)(A);

WHEREAS on January 8, 2024, the Court ordered the Government to respond to the motion and to provide the Court with Defendant's disciplinary and educational records by no

later than Friday, January 26, 2024, and set the deadline for Defendant's reply as Friday, March 1, 2024; and

WHEREAS the Court has since learned that Defendant is scheduled to be released from federal custody on February 1, 2024;

IT IS HEREBY ORDERED that Defendant's motion for a reduction in sentence pursuant to Amendment 821 is DENIED as moot because his scheduled release date is February 1, 2024, the first date on which defendants may be released pursuant to the Amendment.

IT IS FURTHER ORDERED that the deadlines for the Government to respond to the motion for compassionate release and for Defendant to reply are ADJOURNED sine die.

SO ORDERED.

Date: January 9, 2024
New York, NY

Valerie Caproni

VALERIE CAPRONI
United States District Judge